

REMARKS

Following entry of the above amendment, claims 14-17 and 19-25 are pending. Claims 13, 18, 23, and 24 have been cancelled. Claims 19-22 have been withdrawn as being drawn to a non-elected invention. New claim 25 has been added. Applicants amend claims 14-17 and 19-22 to focus on particular embodiments of the invention, to correct claim dependencies and punctuation, and to rewrite claims 14 and 19 in independent form. Support for the new claim and the amendment is found in the specification as originally filed. See, for example, page 42 lines 5-20 and the claims as originally filed.

The Office Action states that the instant application contains inventions which are not so linked as to form a single inventive concept under PCT Rule 13.1 and requires Applicants to elect a single invention from the following groups:

Group I: Claims 13-17, drawn to a method of treating cancer in a mammal, comprising administering to the mammal a compound of formula I;

Group II: Claims 18-22, drawn to a pharmaceutical composition comprising a compound of formula I or formula II; and

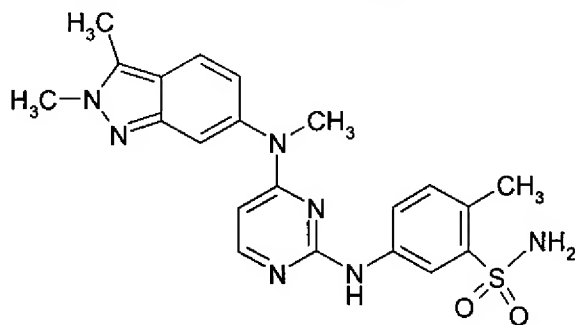
Group III: Claims 23-24, drawn to a pharmaceutical combination comprising formula I and a compound of formula II.

Applicants respectfully note that the Examiner has inaccurately characterized the claims in Groups I and II. Applicants assume that the Examiner meant to state Group I, claims 13-17, as being drawn to a method comprising administering a compound of formula I and formula II, and Group II, claims 18-22, as being drawn to a pharmaceutical composition comprising a compound of formula I and formula II, and Applicants respond accordingly.

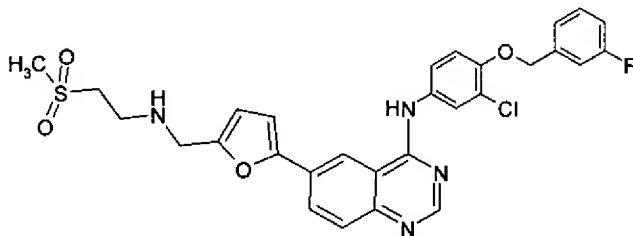
Applicants elect, without traverse, **Group I**, claims 14-17 and 25. Applicants respectfully note claim 13 has been cancelled and claim 25 depends from claim 14 and is within the scope of the elected invention.

The Office Action states that Applicants must elect a single species for prosecution on the merits to which the claims shall be restricted if no generic claim is held allowable, and cites 35 USC §121 as a basis for the requirement. Further, the

Examiner cites MPEP §809.02(d) stating that the instant claims recite such a multiplicity of species that an unduly extensive and burdensome search would be necessary if all of the claimed species were to be examined simultaneously. Applicants respectfully note that the instant application is a national stage application under 35 USC §371. As stated in MPEP §1893.3(d), in pertinent part, the requirement for an election of species of a 371 application for purposes of restriction must be based on the lack of unity of invention rather than US restriction practice described in MPEP §800 et seq. Since the instant application is a national stage 371 application and the Examiner did not provide any basis for a restriction among species due to lack of unity of invention under PCT 13.1, Applicants assume that the Examiner meant to request a provisional election of species for purposes of examination rather than purposes of restriction. Furthermore, the Examiner requires election of one species. Applicants assume the Examiner meant to say one species of formula (I)^a and one species of formula (II)^a, as the elected claims are drawn to a method comprising the administration of a compound of formula (I)^a and a compound of formula (II)^a. Accordingly, Applicants provisionally elect from the compounds of formula (I)^a the following species:



. Applicants further elect from the compounds of formula (II)^a the following species:



Applicants further note that an amendment to the specification was filed as part of the preliminary amendment filed October 16, 2006, and publication of such amendment was requested by Applicants under 37 CFR 1.215(c).

Applicants respectfully note that the amendment to the specification was not included in the US publication as requested, and Applicants wish to confirm that the amendment to the specification has been entered.

Applicants respectfully request entry of the above amendment and examination of the pending claims. Additionally, Applicants believe the present claims are in condition for allowance and such action is respectfully requested. Applicants believe that no other fees are due in connection with the filing of this paper other than those specifically authorized herewith.

Should any other fees be deemed necessary to effect the timely filing of this paper, the Commissioner is hereby authorized to charge such fees to Deposit Account No. 07-1392. If the Examiner has any outstanding issues with the pending claims, she is encouraged to telephone the undersigned at (919) 483-6334 for expeditious handling.

Respectfully submitted,



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